



**US Army Corps  
of Engineers.**

Vicksburg District  
4155 Clay Street  
Vicksburg, MS 39183-3435  
www.mvk.usace.army.mil



# Public Notice

APPLICATION NO.:	RHW-MVK-2006-188
EVALUATOR:	Ms. Ramona Warren
PHONE NO.:	(601) 631-5441
FAX NO.:	(601) 631-5459
E-MAIL:	regulatory@mvk02.usace.army.mil
DATE:	June 15, 2007
EXPIRATION DATE:	July 06, 2007

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Mississippi Department of Environmental Quality are considering an application for a Department of the Army Permit and State Water Quality Certification for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F and the Mississippi Department of Environmental Quality at Post Office Box 10385, Jackson, Mississippi 39289-0385, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

<u>Name of Applicant:</u>	<u>Name of Agent:</u>
Mr. Earl Warren	Brophy-Heineke & Associate, Inc
Post Office Box 767	2978 Shelby Street
Olive Branch, Mississippi 38654	Bartlett, Tennessee 38134-4538

Location of Work: Section 26, T1-R7W, latitude 34°57'48.28", longitude 89°54'52.69", within the Coldwater River drainage basin, Olive Branch, DeSoto County, Mississippi.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit to discharge dredged and/or fill material into waters of the united state associated with the construction of a commercial development. Upon completion, the development would be comprised of commercial buildings, access roads and utilities.

The proposed project site consists of approximately 5.79 acres. Approximately 900 linear feet (LF) (approximately 0.25 acres) of unnamed intermittent stream would be impacted by the proposed project. Vegetation adjacent to the stream consist of *Liquidambar styraciflua* (Sweet gum), *Platanus occidentalis* (sycamore), *Quercus pagodifolia* (cherrybark oak), *Ligustrum sinense* (Chinese privet), *Lonicera japonica* (Japanese honeysuckle), *Toxicodendron radicans* (poison ivy), and *Rubus argutus* (serrate-leaf blackberry).

The applicant proposes to relocate 880 linear feet of the intermittent stream into a new stream alignment 950 LF in length to construct the proposed plan for the Commercial development. The new stream channel design would be constructed with a new, meandering low-flow channel. A new flood prone 'beach' would be re-established at a minimum width of 4 feet above the low flow channel. All side slopes would be constructed at 2:1 to maximized bank stability. Overall, the new channel would result in a net gain of 70 linear feet of functional stream channel. A total of approximately 807 cubic yards of clean earthen fill would be used to fill the existing channel.

The placement of dredged and/or fill material in waters of the United States associated with the mechanized land clearing requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: An initial review indicates that the proposed project would not affect any of the sites in DeSoto County listed in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish

and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

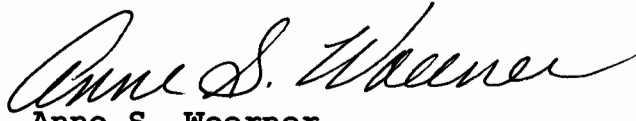
Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this

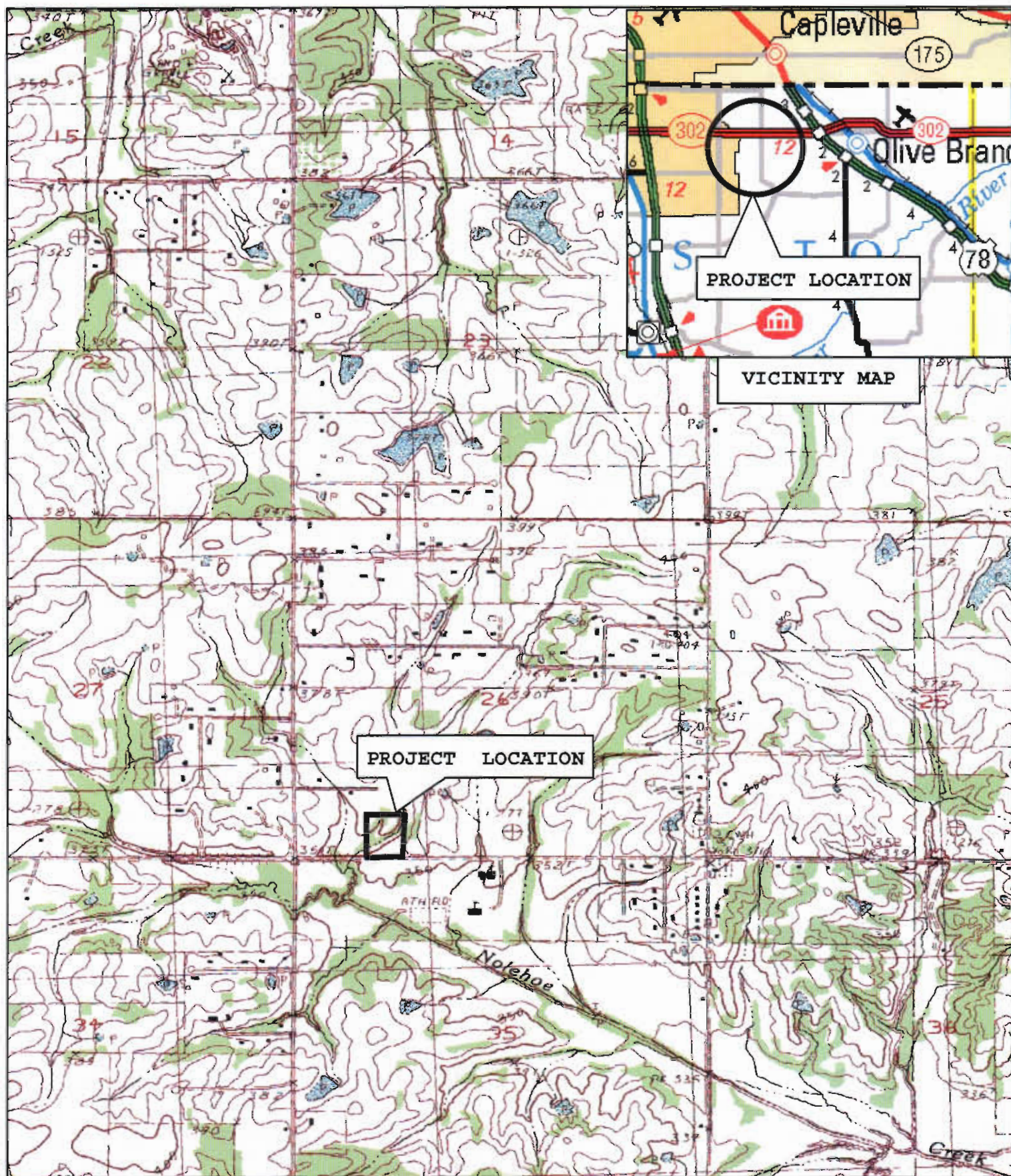
information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.



Anne S. Woerner  
Acting Chief  
Evaluation Section



# WARREN COMMERCIAL SUBDIVISION



PLEASANT HILL QUAD

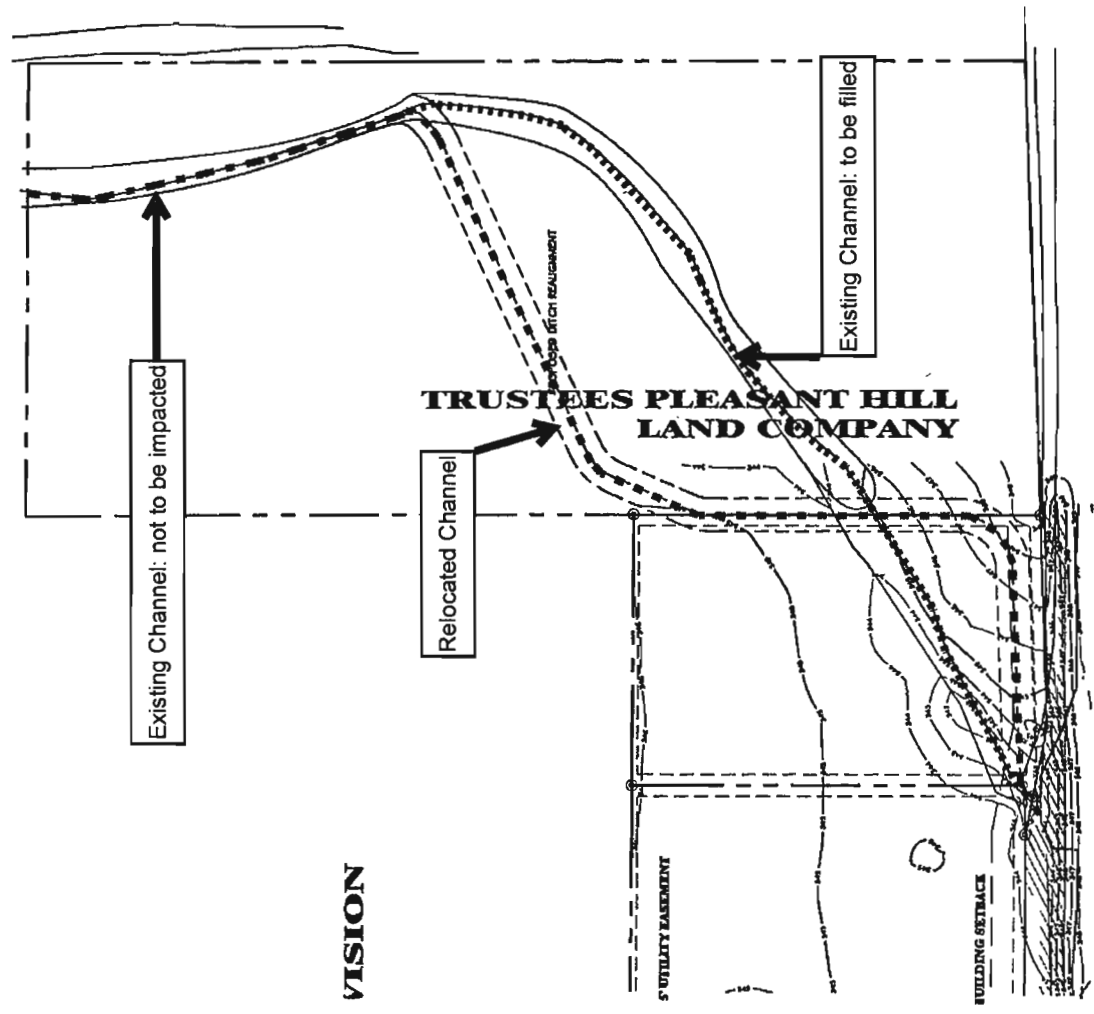
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CEMVK-OD-FP MNH-MVK-2006-188  
MR. EARL WARREN



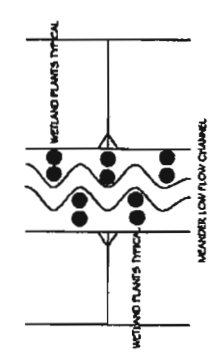


**VISION**

**PROPOSED DITCH SECTION**



**PROPOSED DITCH PLAN VIEW**



NOTE: ALL OF DITCH TO BE BUILT  
WITH 2:1 MAX. SLOPE

**DITCH REALIGNMENT PLAN**  
 SHEET 1 OF 1  
 PROJECT NO. 00-2006  
 DATE 08-2006  
 DRAWN BY J. W. WARREN  
 CHECKED BY J. W. WARREN  
 REVISIONS  
 1" = 50'

CEMVK-OD-FP  
 EARL WARREN  
 MNH-MVK-2006-188



MR EARL WARREN